OPINION 883

CAVOLINIA ABILDGAARD, 1791 (GASTROPODA): GRANT UNDER THE PLENARY POWERS OF PRECEDENCE OVER *CAVOLINIA* BRUGUIÈRE, 1791

RULING.—(1) Under the plenary powers it is hereby Ruled that the generic name *Cavolinia* (emend. of *Cavolina*) Abildgaard, 1791, is to be given precedence over *Cavolinia* (emend. of *Cavolina*) Bruguière, 1791.

(2) The generic name *Cavolinia* (emend. of *Cavolina*) Abildgaard, 1791 (gender: feminine), type-species, by monotypy, *Cavolina* (sic) *natans* Abildgaard, 1791, is hereby placed on the Official List of Generic Names in Zoology with the Name Number 1841.

(3) The specific name *tridentata* Forsskål, 1775, as published in the binomen *Anomia tridentata*, is hereby placed on the Official List of Specific Names in Zoology with the Name Number 2303.

(4) The family-group name CAVOLINIIDAE Gray, 1850 (correction of CAVOLINIDAE) (type-genus *Cavolinia* Abildgaard, 1791) is hereby placed on the Official List of Family Group Names in Zoology with the Name Number 438.

(5) The following generic names are hereby placed on the Official Index of Rejected and Invalid Generic Names in Zoology with the Name Numbers specified:

(a) *Cavolinia* (emend. of *Cavolina*) Bruguière, 1791 (by the Ruling given in (1) above, a junior homonym of *Cavolinia* Abildgaard, 1791) (Name No. 1944);

(b) *Cavolina* Bruguière, 1791 (an incorrect original spelling for *Cavolinia*) (Name No. 1945);

(c) *Cavolina** Forbes & Hanley, 1851 (a junior objective synonym of *Eubranchus* Forbes, 1838) (Name No. 1946);

(d) *Cavolina* Abildgaard, 1791 (an incorrect original spelling for *Cavolinia*) (Name No. 1947);

(e) *Cavolinia* Schweigger, 1819 (a junior homonym of *Cavolinia* Abildgaard, 1791) (Name No. 1948);

(f) *Cavolinia* Nardo, 1833 (a junior homonym of *Cavolinia* Abildgaard, 1791) (Name No. 1949).

(6) The family-group name CAVOLINIDAE d'Orbigny, 1842 (type-genus *Cavolinia* Bruguière, 1791) (invalid because the name of the type-genus is a junior homonym) is hereby placed on the Official Index of Rejected and Invalid Family-Group Names in Zoology with the Name Number 443.

HISTORY OF THE CASE (Z.N.(S.) 1103)

The present case was submitted to the office of the Commission by Dr. Henning Lemche in April 1956 and revised by him in 1963. The application

* The type-species of this genus is designated in an additional note by Dr. Lemche in the present Opinion.

was sent to the printer on 17 October 1963 and was published on 25 March 1964 in *Bull. zool. Nomencl.* **21** : 45–47. Public Notice of the possible use of the plenary powers in the present case was given in the same part of the *Bulletin* as well as to the other prescribed serial publications (Constitution Art. 12b; *Bull. zool. Nomencl.* **21** : 184) and to two specialist serials.

The proposals were supported by Dr. S. van der Spoel and Dr. R. Burns. An alternative proposal was put forward by Mr. David Heppell (*Bull. zool. Nomencl.* **21** : 414) and was supported by Dr. J. L. Baily. Dr. Myra Keen (op. cit. : 414) and Dr. D. Curry argued that *Cavolina* had been more used than *Cavolinia*. Dr. Lemche (in litt.) reported that *Cavolina* is in general use in secondary publications (Handbooks etc.) and that *Cavolinia* is used by specialists in the primary scientific literature.

DECISION OF THE COMMISSION

On 25 January 1966 the Members of the Commission were invited to vote under the Three-Month Rule on Voting Paper (66)3 in Section 1, either for or against the use of the plenary powers to validate *Cavolinia* Abildgaard, 1791, and in Section 2, for either Alternative A (Lemche proposals, as set out in *Bull. zool. Nomencl.* **21** : 46–47) or Alternative B (Heppell proposals, as set out in *Bull. zool. Nomencl.* **21** : 414). At the close of the prescribed voting period on 25 April 1966 the state of the voting was as follows:

Section 1. Affirmative votes—fifteen (15), received in the following order: Holthuis, Mayr,* Lemche, Stoll, Bonnet, Obruchev, Uchida, Simpson, do Amaral, Boschma, Tortonese, Jaczewski, Binder, Evans, Forest.

Negative votes—five (5): China, Vokes, Sabrosky, Kraus, Mertens.

Section 2. For Alternative A—seven (7): Holthuis, Bonnet, Obruchev, Simpson, Tortonese, Kraus, Mertens.

For Alternative B —eleven(11): China, Mayr*, Lemche, Stoll, Uchida, do Amaral, Boschma, Jaczewski, Binder, Evans, Forest.

Voting papers not returned—three (3): Hubbs, Munroe, Ride.

Commissioners Alvarado and Brinck returned late affirmative votes in favour of Alternative A. The following comments were made by Commissioners in returning their votes:

Prof. H. E. Vokes (29.i.66): " I see no other way to vote my conviction in this matter. As did Miss Keen (*Bull.* **21** : 414) I find overwhelming usage of *Cavolina* over *Cavolinia*. Even Lemche admits that *Cavolina* is the valid spelling."

Prof. G. G. Simpson (21.ii.69): " Even if Heppell's cheese-paring made any difference, he is wrong in considering *Cavolina* an incorrect original spelling under Article 32c. If we must be legalistic *de minimis*, let us at least be accurate."

Dr. C. W. Sabrosky (31.iii.66): " Neither alternative is entirely acceptable to me.

" The very first action needed is to determine, probably by arbitrary decision under the plenary powers, which work has priority in 1791, that of Abildgaard or that of Bruguière. However, this might involve names in other groups; perhaps

* Prof. Mayr requested that he be counted with the majority.

for the present purposes this could be limited to the one name *Cavolina*. Lemche says nothing on the matter of priority of the two. Heppell correctly recognizes that the problem should be met by grant of precedence to Abildgaard, and I support that proposal as far as it applies to the work itself, not to the spelling *Cavolinia*.

" Secondly, I would retain the spelling *Cavolina* as recommended by Myra Keen (*Bull.* **21** : 414). This has the merit of being the original spelling as well as having considerable usage. Lemche's comment that it is the spelling in general use in " secondary publications " does not accord with Keen's data from " a census of check lists and systematic papers ". However, his admission of " general use " in such widely used publications as Handbooks is in itself a significant recommendation.

" With these two decisions the case becomes a simple matter of application of the Rules. *Cavolina* Bruguière is a junior homonym. *Cavolinia*, even if an emendation with standing in nomenclature, is preoccupied by *Cavolinia* Schweigger, 1819. Menke's *Cavolinia* (1845) is thus no threat to *Rizzolia* Trinchese, 1877."

ADDITIONAL NOTE

By Henning Lemche

Forbes & Hanley (1851, *A History of British Mollusca* **3** : 597) established a genus *Cavolina* without reference to either Bruguière or Abildgaard, the two authors who had established senior homonyms of that name. No type was selected by Forbes & Hanley, and 18 species were included. Alder & Hancock (1855, *Mon. brit. nud. Moll.* : XXII) cited two of these species as characteristic each of their own group within the genus ' *Cavolinia* Cuvier ', which action must be invalid as any type selection whatsoever. Therefore, *Cavolina* Forbes & Hanley is still without a type. In order to prevent this name from being used again, I hereby select as the type for *Cavolina* Forbes & Hanley, 1851, the species *tricolor* (cited on p. 604) originally published as *Eubranchus tricolor* Forbes, 1838 (*Malac. Mon.* : 5), thereby making the former generic name an objective synonym of the latter.

Original References

The following are the original references for names placed on Official Lists and Indexes by the Ruling given in the present Opinion:

Cavolina Abildgaard, 1791, an incorrect spelling for *Cavolinia q.v.*
Cavolina Bruguière, 1791, an incorrect spelling for *Cavolinia q.v.*
Cavolina Forbes & Hanley, 1851, *Hist. brit. Moll.* **3** : 597
Cavolinia Abildgaard, 1791, *Skr. Naturh.- Selsk. Copenhagen* **1** (2) : 175
Cavolinia Bruguière, 1791, *Ency. meth.* (Tabl. Vers) : pl. 85
Cavolinia Nardo, 1833, *Isis* (Oken) **1833** : 523
Cavolinia Schweigger, 1819, *Beob. naturh. Reisen* : 99
CAVOLINIDAE d'Orbigny, 1842, *Paléont. franc.*, Terr. crèt. **2** : 21
CAVOLINIIDAE Gray, 1850, *Cat. Moll. Coll. Brit. Mus.* (2), Pteropoda : 3, 4
tridentata, *Anomia*, Forsskål, 1775, *Descr. Anim.* : 124

CERTIFICATE

We certify that the votes cast on Voting Paper (66)3 were cast as set out above, that the proposal contained in that Voting Paper as Alternative B has been duly adopted under the plenary powers, and that the decision so taken, being the decision of the International Commission, is truly recorded in the present Opinion No. 883.

R. V. MELVILLE
Secretary

W. E. CHINA
Assistant Secretary

International Commission on Zoological Nomenclature
London
6 *March* 1969